



General Assembly

**Substitute Bill No. 144**

February Session, 2004

\* \_\_\_\_\_SB00144JUD\_\_\_\_032204\_\_\_\_\_\*

**AN ACT CONCERNING THE CALL-BEFORE-YOU-DIG PROGRAM.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-356 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

3 Any person, public agency or public utility which the Department  
4 of Public Utility Control determines, after notice and opportunity for a  
5 hearing as provided in section 16-41, to have failed to comply with any  
6 provision of this chapter or any regulation adopted under section 16-  
7 357 shall forfeit and pay to the state a civil penalty of not more than  
8 [ten] thirty thousand dollars. Notwithstanding the provisions  
9 contained in subsection (d) of section 16-41, the person, public agency  
10 or public utility receiving a notice of violation pursuant to subsection  
11 (c) of section 16-41 shall have thirty days from the date of receipt of the  
12 notice in which to deliver to the department a written application for a  
13 hearing.

14 Sec. 2. Section 16-357 of the general statutes is repealed and the  
15 following is substituted in lieu thereof (*Effective October 1, 2004*):

16 The Department of Public Utility Control shall adopt regulations, in  
17 accordance with the provisions of chapter 54, to the extent necessary to  
18 ensure compliance with this chapter. Such regulations shall be  
19 designed to protect the public safety and shall prescribe (1) the duties

20 and responsibilities of persons, public agencies and public utilities  
21 with respect to excavating, discharging explosives or demolition in  
22 proximity to any public utility underground facility and (2) a schedule  
23 establishing the amounts which may be assessed as civil penalties for  
24 violations of this chapter, as provided in section 16-356, based upon  
25 the nature and severity of the violation and the number of past  
26 violations, but not to exceed the maximum penalty contained in said  
27 section. The department shall revise the regulations adopted pursuant  
28 to this section regarding a graduated schedule of civil penalties  
29 assessed pursuant to section 16-356, as amended by this act, and the  
30 criteria by which the department determines the amount of such civil  
31 penalties.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>

**ET**            *Joint Favorable Subst. C/R*

JUD

**JUD**            *Joint Favorable*